IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 11366 of 1993

Between:

K.Reddanna S/o.Muganna
R/o.Tirupathi, Chittoor District

..... PETITIONER

AND

The District Collector Collectorate Office, Cuddapah

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more in the nature of mandamus declaring that the action of the respondent in cancelling the caste certificate Dt.20/06/1973 and 01/11/1973 vide his Proceedings R.Dis.(B.8) 5369/92, Dt.15/07/1993 as illegal and void and liable to set aside the same and to pass such other order.

Counsel for the Petitioner: MR.K.BATHI REDDY

Counsel for the Respondent : GP for Social Welfare

The Court made the following:

ORDER:

The present writ petition has been filed by the petitioner to declare the action of the respondent in cancelling the Caste Certificate by order dated 15-07-1993 bearing No.B8/5369/92, issued by the Tahsildar, Rayachoti as illegal, arbitrary and against the principles of natural justice.

2. The petitioner is working as Store Keeper in Coach Factory, Tirupati. On 23-03-1993 a show cause notice has been issued to the petitioner by the respondent to show cause why his Caste Certificate should not be cancelled. Due to illness he was on leave and he failed to submit his explanation within the stipulated time. Subsequently, he seems to have filed his explanation on 2-8-1993. However, the Collector, Cuddapah, has chosen to pass the order impugned.

3. During the course of enquiries made by the Revenue Dvisional Officer, Cuddapah, it is revealed that the petitioner himself and his father belong to Boya caste which comes under BC-A category and he obtained the certificate by fraudulent means from the then Tahasildar, Rayachoti. It further reveals that the father of the petitioner and his ancestors have not migrated from the agency area and valmiki caste is treated as ST community in the Agency Tracks only and the

Valmiki caste comes under BC-A group and the same is not coming under Schedule Tribes. On the same ground, Caste Certificate has been cancelled through proceedings dated 15-07-1993 bearing No.B8/5369/92.

4 . At this stage, the learned counsel for the petitioner while attacking the order impugned on the ground that enquiries have been made behind the petitioner, submits that the same is in violation of the A.P. S.C. S.T. & Backward Classes-Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and therefore, it is liable to be set aside.

5. I have perused the order impugned. The said order was passed by the respondent-District Collector. In this regard, it is not out of place mention as to the Rule 5 (i) of the A.P. S.C. S.T. & Backward Class- Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, which contemplates that the competent authority, in the cases of doubtful claims, shall refer the matter to the Chairman of the Scrutiny Committee formed at the District Level under rule 8, for the recommendations of the Committee, with regard to the issue of the community, nativity and date of birth certificate as applied for by the applications. On receipt of the recommendations of the Scrutiny Committee, the Competent authority shall accordingly confirm or reject the claims of the applicants.

6. Coming to the case on hand, it is apparent on the face of the record that this exercise has not been followed while issuing the order impugned. Therefore, I am of the opinion that the order impugned is in violation of rule 5 (i) of the Rules and on that account, the order is liable to be set aside and remanded back to the competent authority.

7. Accordingly, the order impugned is set aside and the matter is remanded back to the respondent for fresh disposal. The respondent is directed to adhere to the procedure adopted under Rule 5 (i) of the A.P. S.C. S.T. and Backward Classes-Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 while passing the order, if any. This exercise shall be completed within a period of six (6) months from the date of receipt of copy of this order.

8. Subject to the above directions, this writ petition is disposed of.

23-09-2004

rkk

To

1.The District Collector Collectorate Office, Cuddapah

2. Two CCs to GP for Social Welfare, High Court buildings,

Hyderabad (OUT)

3. Two CD copies.